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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,000	02/17/2004	Luciano Salice	298-223	1327
28249	7590	07/18/2006		
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			EXAMINER JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/780,000	SALICE, LUCIANO	
	Examiner	Art Unit	
	Andre' L. Jackson	3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,7,9,11,13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8,12,16 and 18 is/are rejected.
- 7) ☒ Claim(s) 4,10,14,17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/21/2006</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

*DETAILED ACTION*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 8, 12, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by USPAP 2004/0205935 to Lautenschlaeger et al. Lautenschlaeger et al (Figs. 13-15) discloses a damping device (80) comprising;

a housing (82) structured and arranged to be fastened to a fixed wall part (12), a plunger (86) is slidably guided in the housing, wherein the plunger is arranged to be slid to its closing region by a furniture part (14) and means for damping a closing movement comprising at least a two stage gear means (92, 92, 94, 94) having a speed ratio and impinging on a rotation damper.

As to claim 2, Lautenschlaeger et al discloses that the plunger carries a toothed gear segment (94) concentrically to its bearing axis, wherein the toothed gear segment intermeshes with a pinion (92) within the housing, where the pinion interacts with a toothed wheel (94) attached to a journal of the rotation damper.

As to claims 5, 6, 8 and 12 the lever is impinged upon in the opening direction by a compression spring (98), wherein the compression spring offer less resistance in the opening direction than in the closing direction due to the abutment or blocking force of a roller (96) in the opening direction becoming free from contact with a portion of hinge arm (18).

***Allowable Subject Matter***

Claims 3, 7, 9, 11, 13 and 15 are allowed over the prior art made of record.

Claims 4, 10, 14, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or render obvious the specific structure of applicant's invention as set forth in claim 3 in particular. Here, applicant recites a damping device including a pivot lever having a portion housed within a housing in which the a furniture or cabinet structure moves the lever by contact and further including a two stage gear means with a speed ratio imposed on a rotation damper. The portion of the lever held in the housing includes a toothed segment concentrically defining a bearing axis, with the toothed segment intermeshing with a pinion disposed within the housing, the pinion interacts with a toothed wheel of the rotation damper. The pinion comprises two toothed segments, one segment defines a smaller radius than the other segment which defines a larger radius, where the smaller radius segment intermeshes with the toothed segment of the lever and the larger radius segment intermeshes with the toothed wheel of the rotation damper.

None of the prior art references used singly or in combination discloses or suggest the specific structural arrangement or the combination of structural limitations set forth above.

***Response to Applicant's Arguments***

Applicant's arguments presented in the Amendment filed April 21, 2006, with respect to the rejection of claims 1, 2, 4-6, 8, 10, 12 and 14 over Kim has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, in response to applicant's necessity to amend the claims and to applicant's subsequent remarks within the above amendment, a new ground(s) of rejection is made in view of newly discovered reference # 2004/0205935 to Lautenschlaeger et al. Lautenschlaeger et al has been applied to meet the structural limitations of applicant's claims as currently presented, thus claims 1, 2, 5, 6, 8, 12, 16 and 18 are found to be unpatentable over Lautenschlaeger et al. Claims 3, 7, 9, 11, 13 and 15 are believed to be allowable over Lautenschlaeger et al and the other prior art references made of record and claims 4, 10, 14, 17 and 19 are objected to.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

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In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.

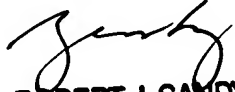
The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

ALJ

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**